

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MATTHEW KINA,

No. C 08-4358 PJH

Plaintiff,

**ORDER TO SHOW CAUSE**

v.

UNITED AIR LINES, INC. and the  
BETTY FORD CENTER,

Defendant.

Plaintiff in the above-entitled matter having failed to appear at the case management conference on January 8, 2009, and both defendants having filed a case management conference statement and having appeared at that proceeding in compliance with the Court's orders,

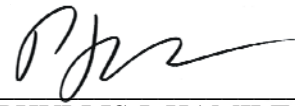
THE COURT hereby issues an ORDER TO SHOW CAUSE why plaintiff's claims should not be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The hearing on the ORDER TO SHOW CAUSE will be held on January 22, 2009 at 2:30 p.m. If plaintiff fails to appear, the case shall be dismissed for failure to prosecute.

In addition, if plaintiff intends to appear and show cause why this matter should not be dismissed, in light of the allegations that plaintiff consented to the medical examinations at issue and to the release of his medical records, plaintiff shall meet and confer with defendant Betty Ford Center ("BFC") in advance of January 22, 2009, to determine whether the claims against BFC should be dismissed, so that BFC can avoid the additional expense that will be incurred by its counsel to fly to San Francisco from Orange County a second time.

IT IS SO ORDERED.

Dated: January 9, 2009

  
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PHYLLIS J. HAMILTON  
United States District Judge